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REMARKS

Claims 1-44 were pending in the subject application. By this Amendment, claims 1-44 have been canceled without prejudice or disclaimer and new claims 45-76 have been added. Support for new claims 45-76 can be found *inter alia* at least as follows: support for new claim 45 can be found in original claims 1, 2, and 42, and on page 42, lines 8-10; support for new claim 46 can be found in original claim 42; support for new claims 47-57 can be found in original claims 4-14, respectively; support for new claim 58 can be found in original claims 15 and 16; support for new claims 59-65 can be found in original claims 17-23, respectively; support for new claims 66-67 can be found in original claims 43-44, respectively; support for new claim 68 can be found in original claim 24, 30, and 37; support for new claim 69 can be found in original claims 24 and 30; support for new claims 70-73 can be found in original claims 25-28, respectively; support for new claim 74 can be found in original claim 31; and support for new claims 75-76 can be found in original claims 35-36, respectively.

The specification has been amended to recite the continuing data for the subject application, which was claimed when the application was filed, and to shorten the Abstract. Support for the replacement Abstract can be found in the previous version of the Abstract and in the Abstract of PCT Publication No. WO 01/36953 of PCT International Application No. PCT/JP00/08012.

Applicants maintain that the amendments to the claims and to the specification do not raise an issue of new matter. Accordingly, entry of the amendments is respectfully requested.

Objections to the Specification

The Examiner objected to the Abstract because it exceeded 150 words. A shortened replacement Abstract is provided as **Exhibit 1**.

The Examiner also indicated that there should be a section containing a brief description of the drawings. Please note that a Brief Description of Drawings is already included on pages 31-33 of the specification.

In view of the amendments and remarks made hereinabove, withdrawal of these objections is respectfully requested.

Objections to Claims 26 and 41

The Examiner objected to formalities regarding claims 26 and 41. Claims 26 and 41 have been canceled hereinabove, thereby rendering this objection moot. The matters objected to by the Examiner have been corrected in the new claims.

Rejections under 35 U.S.C. §112, Second Paragraph

Claims 1-21 and 37-42 were rejected as being incomplete for omitting a “detecting electrode.” Claims 1-21 and 37-42 have been canceled hereinabove, thereby rendering this rejection moot. New independent claim 45 recites a “detecting electrode.”

Claims 2, 6, 14-16, 28-35, and 42-44 were rejected as being indefinite. Claims 2, 6, 14-16, 28-35, and 42-44 have been canceled hereinabove, thereby rendering this rejection moot.

New claims 45-76 clarify the points raised by the Examiner. In particular, Claim 45 clarifies that the detecting electrode is an electrode for confirming whether the sample liquid is drawn inside the specimen supply path (see specification, page 42, lines 8-10). In regards to modifiers for “slits,” the new claims recite “first type of slits,” “second type of slits,” “third type of slits,” and “fourth type of slits.”

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In view of the amendments and remarks made hereinabove, reconsideration and withdrawal of these rejections are respectfully requested.

Allowable Subject Matter

The Examiner indicated that claims 30 and 42-44 contain allowable subject matter.

Applicants thank the Examiner for this indication of allowable subject matter. New Independent claim 45 includes features of previous claim 42, and new independent claim 69 includes features of previous claim 30. The remaining new claims depend, either directly or indirectly, from these two independent claims. Accordingly, applicants maintain that new claims 45-76 are allowable over the references cited by the Examiner.

Rejections under 35 U.S.C. §102(e)

Claims 1, 2, 4, 8-11, 13-17 and 19-23 are rejected under 35 U.S.C. §102(e) as anticipated by Winarta et al. (U.S. Patent No. 6,287,451 B1).

Claims 1-3, 8-11, 13-17 and 19-23 are rejected under 35 U.S.C. §102(e) as anticipated by Feldman et al. (U.S. Patent No. 6,229,757 B1).

Claims 1-4, 8-11, 13-17 and 19-23 have hereinabove been canceled, thereby rendering these rejections moot. Applicants maintain that new claims 45-76 are directed to allowable subject matter as indicated by the Examiner. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 5 and 6 are rejected under 35 U.S.C. §103(a) as obvious over Winarta et al. (U.S. Patent No. 6,287,451 B1) in view of Fujiwara et al. (U.S. Patent No.

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6,309,526 B1), and obvious over Feldman et al. (U.S. Patent No. 6,229,757 B1) in view of Fujiwara et al. (U.S. Patent No. 6,309,526 B1).

Claim 7 is rejected under 35 U.S.C. §103(a) as obvious over Winarta et al. (U.S. Patent No. 6,287,451 B1) in view of Sugihara et al. (U.S. Patent No. 6,132,683) and Pace (U.S. Patent No. 4,225,410), and obvious over Feldman et al. (U.S. Patent No. 6,229,757 B1) in view of Fujiwara et al. (U.S. Patent No. 6,309,526 B1).

Claim 12 is rejected under 35 U.S.C. §103(a) as obvious over Winarta et al. (U.S. Patent No. 6,287,451 B1) in view of Haruhiro et al. (JP 06109688 A), and obvious over Feldman et al. (U.S. Patent No. 6,229,757 B1) in view of Haruhiro et al. (JP 06109688 A).

Claim 18 is rejected under 35 U.S.C. §103(a) as obvious over Winarta et al. (U.S. Patent No. 6,287,451 B1).

Claim 18 and 38-41 are rejected under 35 U.S.C. §103(a) as obvious over Feldman et al. (U.S. Patent No. 6,229,757 B1).

Claim 24-29 and 31-35 are rejected under 35 U.S.C. §103(a) as obvious over the Derwent listing for and applicants' concise statement of relevancy for Miyo Shinku Kogyo (JP 60007191 A).

Claim 36 is rejected under 35 U.S.C. §103(a) as obvious over the Derwent listing for and applicants' concise statement of relevancy for Miyo Shinku Kogyo (JP 60007191 A), and further in view of Drummond et al. (U.S. Patent No. 5,863,400).

Claim 37 is rejected under 35 U.S.C. §103(a) as obvious over Winarta et al. (U.S. Patent No. 6,287,451 B1) in view of the Derwent listing for and applicants' concise statement of relevancy for Miyo Shinku Kogyo (JP 60007191 A), and obvious over Feldman et al. (U.S. Patent No. 6,229,757 B1) in view of the Derwent listing for and applicants' concise statement of relevancy for Miyo Shinku Kogyo (JP 60007191 A).

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Claims 1-44 have hereinabove been canceled, thereby rendering these rejections moot. Applicants maintain that new claims 45-76 are directed to allowable subject matter as indicated by the Examiner. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

Change of Attorney Docket Number

The Attorney Docket Number for the subject application has been changed to "55220/785." Please refer to this new number on future correspondence.

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CONCLUSIONS

In view of the amendments and remarks made hereinabove, applicants respectfully request reconsideration and withdrawal of the objections and rejections set forth in the September 25, 2003 Office Action, and passage of pending claims 45-76 to allowance.

A check for \$950.00 is enclosed to cover the fee for a three month extension of time. No additional fee is deemed necessary in connection with the submission of this response. However, if any other fee is required to maintain the pendency of the subject application, authorization is hereby given to withdraw the amount of any such fee from Deposit Account No. 01-1785. Overpayments may also be credited to Deposit Account No. 01-1785.

Respectfully submitted,

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By


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